

HELP AMERICA VOTE ACT OVERVIEW

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Summer Conference
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What is HAVA?

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HELP AMERICA VOTE ACT

HAVA - History

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- **Became law in October 2002**
 - Response to 2000 Election
- **Required:**
 - Replacement of outdated voting equipment
 - Creation of centralized statewide database of registered voters (FVRS)
 - Improvements to elections administration
- **Made federal funds available to carry out upgrades**

HAVA – DOE Unit

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- Coordinates and oversees federal grant programs associated with the HAVA and other election administration activities
- Assists grant recipients with paperwork
- Responsible for ensuring grant recipients comply with federal and state guidelines and procedures applicable to those grants
- Coordinates a variety of federally required reports/surveys

FEA

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FEDERAL ELECTION ASSISTANCE GRANT

FEA - Overview

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- Available for federal election administration activities
- Specific legislative appropriation is required for disbursement from State to county/SOE
- Notice of funds availability sent to SOEs
 - Requisite documents are also provided with the specified county-by-county amount available

FEA – Amount of Funds

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- Once budget approved, we will be able to tell you how much money each county is eligible to receive.
- Amount distributed to each county Supervisor of Elections is based on formula using # of active registered voters as of the 2012 General Election
 - For example, if \$2,000,000 is approved for federal election activities and Citrus County had 98,639 active registered voters, they would qualify for \$16,530.13. Their county matching funds would be \$2,479.52.

FEA – How to Apply

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- **Pre-receipt of funds**
- **Submit documents to Division of Elections**
 - Signed Memorandum of Agreement (sets forth additional terms of eligibility for, receipt and use of funds-terms subject to change from FY to FY)
 - Federal Election Activities Plan, DS-DE 126 (Revised 09/15/11) detailing what programs you as the Supervisor plan to implement
 - Certificate of County Match: 15% matching funds from county governing body (signed by Chair of governing body)
 - Certificate Regarding Debarment & Suspension
 - Samples of any documents or publications that you plan to produce
 - Other certificates that may be required

FEA – How to Apply 2

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Suggestions for completing the Federal Election Activities (FEA) Plan

- Check any program you plan to carry out in the fiscal year and in next fiscal year in the event unexpended funds roll-over
- Check the fund source (s) you plan to use (e.g., federal HAVA funds, County Matching Funds, Other County Funds and/or Interest Earned)
- Consider carefully the fund source you have marked or you may inadvertently disallow an otherwise allowable expense. For example,
 - If you initially check in your FEA plan *Other County Funds* for a specific activity; but you later report that you used *Federal HAVA Funds and County Matching Funds*, the activity will be disallowed
- *Recommendation:* If you plan to prepare sample ballots and voter information cards, check all boxes for Federal HAVA Funds, County Matching Funds, Other County Funds and Interest Earned. That will give you more flexibility in your spending.

FEA – How to Apply 3

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- **Post-receipt of funds**

- Establish and maintain the funds in an interest bearing account in a “qualified public depository” as required by section 280.03, Florida Statutes.
- Segregate funds for federal election administration activities and required county matching dollars in a separate account established to hold only those funds.
- Keep any funds remaining at the end of the fiscal year in the account to be used for the same purposes for subsequent years or until such funds are fully expended.

FEA - Timeline

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- **FY 2012-2013 Funds :**
 - Deadline to request funds : June 5, 2013
 - Fiscal year ends on June 30, 2013
- **FY 2013-2014 Funds**
 - HAVA team will mail out paperwork to Supervisors of Elections in mid-to-late July, 2013 for the FY 2013-14 funds.

FEA – Allowable Items 1

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- **Mailing or publishing sample ballots**
 - Must include additional information on voting procedures, voting rights or voting technology;
- **Voter information cards**
 - Must include additional voter education information on voting procedures, voting rights or voting technology;
- **Advertising or publications outlining voting procedures, voting rights or voting technology**

FEA – Allowable Items 2

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- Voting System demonstrations
- Poll worker training stipends
- Training materials for poll workers
- Voter guides
 - Must include voter education information concerning voting procedures, voting rights, or voting technology
 - Shall not contain elected officials' contact information other than the supervisor's contact information

FEA – Allowable Items 3

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- **Software or Hardware Technology:**
 - Any software or hardware technology that enhances or facilitates:
 - ✦ Delivery of absentee ballots
 - ✦ The casting and counting of valid votes
 - ✦ Voting system audits or recount processes
 - ✦ The certification of accurate and complete official election results
 - Such technology or any pilot program that uses such technology must first be certified or approved by DOS, whichever is applicable

FEA – Allowable Items 4

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- **Online / web-based system that allows:**
 - Absentee ballot requests
 - Ballot tracking
 - Precinct-finder system
- **MOVE Act Expenses**
- **UOCAVA Expenses**
- **Additional items may become allowable in future**
- **Attachment A to the MOA has further details**

HHS

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**HEALTH AND HUMAN SERVICES - VOTING
ACCESS FOR PERSONS WITH DISABILITIES
GRANT**

HHS Grant - Overview

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- U.S. Dept. of Health and Human Services (HHS) Voting Access for Individuals with Disabilities (VOTE) Program Grant for Polling Place Accessibility
- Funds available as a reimbursement
- Fund amount for each county Supervisor of Elections is based initially on formula that includes the number of polling places used on 2012 General Election Day
 - *Data pulled from responses to U.S. EAC 2012 Election Administration and Voting Survey).*
 - *The more polling places a county used on Election Day, the larger the dollar amount they would qualify for.*

HHS - How to Apply 1

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- **Execute memorandum of agreement**
 - Instructions for requesting reimbursement are in MOA and cover letter. Call us if you have questions.

Even if your county does not plan to request reimbursement, we encourage you to sign and return the agreement in order to reserve the option to request in the future

HHS - How to Apply 2

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- Complete the *Certificate for Reimbursement Request for Use of HHS VOTE Program Grant Funds* (DS-DE 130, Revised 7/19/2011)
- Submit one of the documents listed below for each of the items referenced in the Certificate:
 - An invoice showing a zero balance
 - An invoice with the check number and check date
 - An invoice with a copy of a cancelled check

HHS Grant – Allowable Items 1

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- **Category 1: Making polling places accessible to individuals with disabilities**
 - Portable ramps
 - Permanent and temporary signs—ADA parking and directional-- to designate handicapped parking areas and handicapped-accessible entrances
- **Category 2: Providing access and participation to individuals with disabilities**
 - Headsets and headset covers
 - ADA accessible voting booths

HHS Grant – Allowable Items 2

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- **Category 3: Training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities**
 - Contract with a recognized disability-related organization to develop and assist with disability sensitivity training for staff and/or poll workers
 - Purchase videos and books to use in conducting disability sensitivity training
- **Category 4: Providing individuals with disabilities with information on accessibility of polling places**
 - Advertising in disability-related publications

HHS Grant – Non-Allowable Items

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- The following are non-allowable items.
 - Tools to build handicapped ramps
 - Surge protectors
 - Contract with a consultant to survey polling places that have already been surveyed for handicapped accessibility
 - Reimburse the county for costs incurred in conducting, surveying, and design of existing polling places
- Please contact the HAVA Unit if you have questions.

HHS - Timeline

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- **2008 HHS Grant Funds**
 - Deadline to Apply: June 26, 2013
 - After July 26, 2013, funds not earmarked (by submitting a Certificate) will be available to the counties to reimburse cost of already purchased or leased AutoMark voting equipment
 - September 30, 2013: 2008 HHS Grant Funds no longer available

HHS - Timeline

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- **2009 HHS Grant Funds**
 - 1st Week in October 2013: 2009 HHS grant funds paperwork mailed out
 - Grant total for Florida is \$669,314
 - County amount based on number of polling places for 2012 General Election.
 - ✦ For example, since Escambia County had 73 polling places on General Election Day, they would qualify for a total of \$10,507.51
 - September 30, 2014: 2009 HHS Grant Funds no longer available
- **September 30, 2016: All HHS grant funding ends**

Hatch Act

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FEA, HHS, AND THE HATCH ACT

Hatch Act

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- Prohibits federal employees from running for office in partisan elections
- Accepting federal funds under the FEA or HHS grants **may** make a SOE or SOE employee count as a federal employee
- Not applicable to a SOE who is running for re-election regardless of whether the SOE's office receives federal funds or not.

Hatch Act

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- Whether the Hatch Act applies to a SOE employee is fact dependent. It will if:
 - The employee is running for a partisan office; and
 - The employee principally performs duties in the SOE office which are funded by federal loans or grants (including HAVA and/or HHS).
 - The key is whether the employee is involved in duties involving federal funds. If the SOE receives the federal funds, but the employee is not involved in duties that are being funded by the federal fund, the Hatch Act does not apply to the employee.

Hatch Act

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- The way for a SOE to ensure that his/her employees can run for a partisan office and avoid the Hatch Act prohibitions is to completely divorce the employee from duties that are funded in any way by HAVA or HHS funds before the employee becomes a candidate for the partisan office.
- A formal reassignment of duties documenting that the employee's duties no longer involve programs/activities funded by HAVA/HHS funds is recommended before the employee announces his/her candidacy.

Hatch Act

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- **Advisory Opinions regarding the Hatch Act**
 - U.S. Office of Special Counsel (OSC) is sole entity that issues advisory opinions to persons seeking advice about political activity under the Hatch Act. You may request such advice by phone, fax, mail or e-mail.
 - Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Tel: (800) 85-HATCH or (800) 854-2824
Office: (202) 254-3650 Fax: (202) 254-3700
E-mail: hatchact@osc.gov

5 U.S.C. § 1212(f)

Reports and Surveys

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HAVA BALANCE
HAVA EXPENDITURES
HHS FUNDS
VOTER EDUCATION SURVEY
EAC SURVEY

HAVA **Balance** Report

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- Report remaining balance of HAVA funds as of June 30, 2013
 - Refer to Attachment A of MOA #2012-2013-0001 for details
- DOE will provide the reporting forms.
- Report balances from each grant type and fiscal year.
- Report due by July 22, 2013.

HAVA Expenditures Report

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- Report HAVA expenditures made in prior county fiscal year --October 1 through September 30;
 - Report due December 31;
 - Department of State will provide report forms;
 - A separate report is required for each grant (i.e. voter education, poll worker training, etc. and by fiscal year) until the HAVA funds are expended.
 - FEA Reports must agree with your county's plan. Report funds spent by Federal Funds, County Matching Funds and Interest Earned.

HHS Funds Report

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- Report due annually on or before October 31
 - Refer to terms of MOA
- Division of Elections will provide report forms (that include amount county received) to those counties which received reimbursement during the prior county fiscal year between October 1 thru September 30.

Voter Education Survey

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- Required by Legislature (s. 98.255, F.S.)
- Due in each general election year
- Online link will be provided by the Division
- Report due December 15th
- Division of Elections compiles the results
- Further info in dedicated presentation

EAC Survey

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- Issued by the U.S. Elections Assistance Commission
- Covers required data collection under HAVA, UOCAVA, and NVRA
- Conducted after every general election (next: 2014 General Election)
- Individual county input into electronic excel spreadsheet
- Data reviewed and reconciled by DOE if possible (month long process) before submission to US EAC
- Becomes part of Congressional report

HAVA – Contact Info

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